This is the first in-depth study of the first three ICC trials: an engaging, accessible text meant for specialists and students, for legal advocates and a wide range of professionals concerned with diverse cultures, human rights, and restorative justice. It introduces international justice and courtroom trials in practical terms, offering a balanced view on persistent tensions and controversies. Separate chapters analyze the working realities of central African armed conflicts, finding reasons for their surprising resistance to ICC legal formulas. The book dissects the Court’s structural dynamics, which were designed to steer an elusive middle course between high moral ideals and hard political realities. Detailed chapters provide vivid accounts of courtroom encounters with four Congolese suspects. The mixed record of convictions, acquittals, dissents, and appeals, resulting from these trials, provides a map of distinct fault-lines within the ICC legal code, and suggests a rocky path ahead for the Court’s next ventures.

Richard Gaskins is Joseph M. Proskauer Professor of Law and Social Welfare at Brandeis University. He spent the past decade designing and directing student exchange programs in The Hague, which combined academic theory with hands-on practicums in courts and NGO’s. He holds a Ph.D. (Philosophy) and J.D. from Yale University.
The Congo Trials in the International Criminal Court
Richard Gaskins
Frontmatter
More Information
For Elizabeth
The object of knowledge is not something with which thinking sets out, but something with which it ends: something which the processes of inquiry and testing themselves produce.

And so it is with mathematical knowledge, or with knowledge of politics or art. Their respective objects are not known till they are made in course of the process of experimental thinking. Their usefulness when made is whatever, from infinity to zero, experience may subsequently determine it to be.

John Dewey
Essays in Experimental Logic
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Acknowledgments

This project started a decade ago, when I began leading intensive academic programs in The Hague for undergraduate students from a dozen US universities. These study programs (both semester-long and summer) were a collaborative venture between Brandeis University and Leiden University Law School and, most directly, with the Grotius Centre for International Legal Studies. I am grateful to Leiden Law Deans Carel Stolker and Rick Lawson for their cordial support over the years. Most especially, I want to thank Professor Carsten Stahn for sharing planning challenges and teaching duties, and also Martine Wierenga and Ioana Moraru for their constant assistance.

In each study program, the main themes went beyond international criminal law to include human rights, conflict resolution, and transitional justice. During these years, the Congo trials were on full display at the International Criminal Court (ICC); and other Hague courts and tribunals likewise opened their doors, along with NGO offices serving broader goals. My thanks to court officials, including judges and advocates, and to the dedicated network of justice experts throughout The Hague. In the midst of their own tribulations, they took the time and interest to enrich this student generation of global citizens, hosting court visits, informal discussion meetings, and on-site field practicums.

Teaching about new and dynamic systems of justice stimulated my research plans. It meant securing basic assumptions, making sure that core concepts were clearly understood, and then observing how bright undergraduates (both American and international students) responded to these extraordinary trials and projects spread across The Hague. I learned much from their questions and was inspired by their idealism. Global justice will be counting on their creativity to improve future systems.
Acknowledgments

Thanks also to my Brandeis colleagues, especially Melissa Stimell and Gregory Townsend, for their dedicated teaching. My fondest wishes to Hans and Loes van Wanig, who hosted me in Leiden over the years, in their gracious home filled with warm feeling and fine music.

Beyond measure is my gratitude to Elizabeth Chadwick for sharing our joint logistical challenges, and whose support for this project made all the difference.

During this decade of collaborations and discoveries, I felt a growing sense of wonder about these three operatic trials of four Congolese men – which (at point of writing) remain the only ICC trials to see their final curtain, twenty years after the Rome Statute was approved. There is much to admire here, and even more to question. But it is this spirit of wonder that I invite my readers to share in exploring these historic trials.

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